

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**TERRY DODGEN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:14cv131-WHB-RHW**

**WAL-MART STORES EAST, LP**

**DEFENDANT**

**MOTION TO DISMISS AMENDED COMPLAINT**

**COMES NOW**, Terry Dodgen, Plaintiff, by and through counsel, and files this Motion to Dismiss Amended Complaint, and in support thereof, would show unto the Court the following:

1. Plaintiff commenced this personal injury action against Wal-Mart Stores, Inc. on or about January 14, 2014.
2. Wal-Mart Stores, Inc. removed this action to this Court on February 14, 2014 and filed an Answer on February 20, 2014.
3. Plaintiff was made aware through opposing counsel in its Answer that Wal-Mart Stores, Inc. was the improper party to the action and that the current defendant, Wal-Mart Stores East, LP is the properly designated party to this action.
4. Plaintiff filed an Amended Complaint on March 4, 2014 to include Wal-Mart Stores East, LP as the proper Defendant.
5. On or about March 10, 2014, Plaintiff and Defendant agreed to substitute Wal-Mart Stores East, LP as the proper party to this action and dismiss Wal-Mart Stores, Inc. from this action in their Unopposed Motion to Substitute Defendant.

6. Plaintiff moves now to dismiss the Amended Complaint for efficiency purposes, moving this action forward only against Wal-Mart Stores East, LP proceeding as though it was named in the original complaint.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff moves to have his Amended Complaint dismissed, as to have this action proceed only against Wal-Mart Stores East, LP as in the original complaint.

Respectfully submitted,

**TERRY DODGEN**

By: /s/ Bobby D. Blanks, II

BOBBY D. BLANKS (MSB # 104511)

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**CERTIFICATE OF SERVICE**

I, Bobby D. Blanks, II, hereby certify that a true and correct copy of this document was served via the Electronic Filing System to:

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Dated this the 10th day of March, 2014

/s/ Bobby D. Blanks, II  
Bobby D. Blanks, II